

## TESTIMONY ALL IN THAW'S FAVOR

Delmas Outgenerals the  
District Attorney at  
Every Turn.

JEROME DRANK  
WITH WITNESS

Theatre Employe Testifies That  
White Threatened to Kill  
Thaw—McCaleb Tells  
of "Note" on the  
Night of the  
Killing.

### Important Evidence for Thaw.

By Benjamin Boman—

On Christmas evening, 1903, Stanford White threatened to kill Thaw, showing a revolver and muttering, "I'll find that — before daylight and kill him."

By Martin Green—

After the shooting, Thaw's face was very pale, his eyes were all white, looked like they were going to pop out of his head, and his lips were black and hanging loose.

From his look and actions and appearance at that time, was he rational or irrational?—Irrational.

By Thomas McCaleb—

Thaw was irrational at the time of the shooting.

At dinner at the Cafe Martin, before the tragedy, Mrs. Thaw passed a note to her husband.

This note being demanded from the District Attorney by Mr. Delmas, Mr. Jerome sat silent, making no reply.

By Joel Strauss—

Thaw appeared irrational at the time of the shooting.

NEW YORK, February 6.—The defense of Harry K. Thaw, under the direction of Attorney Delmas M. Delmas, of California, began to assume definite shape to-day, and when an adjournment was taken, testimony had been placed before the jury to the effect that Stanford White had been heard to make a threat to kill the defendant, coupling the threat with the display of a revolver; that Thaw's actions following the killing of White on the roof of Madison Square Garden was considered by several eye-witnesses to have been "irrational"; that an uncle of the defendant was insane; that Evelyn Nesbit Thaw passed a note to her husband during dinner at the Cafe Martin the evening of the tragedy; that District Attorney Jerome has this note, and refused, on the demand of the defense, to introduce it in evidence.

So far, indeed, had Thaw's defense proceeded, that at the close of to-day's proceedings the announcement was made by Mr. Delmas that either the wife or the mother of the defendant would be the first witness on the stand to-morrow morning.

The threat against Thaw's life was made two years and a half before the tragedy occurred. District Attorney Jerome objected to the introduction of the evidence, declaring that the defense was not understood by him to be one of self-defense.

Every Advantage.

Mr. Delmas replied that the defense intended to take advantage of every legal defense allowed in the State of New York, be it insanity, self-defense or any other legitimate justification of the taking of a human life.

This was but the first of a series of interesting bits between the district attorney and Mr. Delmas during the day, and it was agreed that Mr. Jerome had found Thaw's new leading counsel a man worthy of his best efforts. The two men are of widely different types—Mr. Jerome quiet, passionate, forceful, sarcastic and brilliant at rhetoric; Mr. Delmas calm, courteous, resourceful, witty, crafty and ethical, to whom the district attorney was always "the learned district attorney." There was never a deviation from this method of address.

White Threatens.

Benjamin Boman, formerly a stage doorkeeper at the Madison Square Theatre, was the witness who told of White's threat. Boman was called as a witness yesterday, but the district attorney was successful at that time in blocking the evidence by objections.

Mr. Delmas to-day withdrew the objectionable evidence, and Mr. Jerome, in turn, withdrew his protest against the witness.

Boman declared that on Christmas Eve, 1903, Stanford White came to the stage door about 11:15 P. M. and asked for Miss Nesbit. The doorkeeper told him the actress, who was then playing in "The Girl From Dixie," had gone home. White at first accused him of a falsehood, and then asked who had been her escort.

"Mr. Thaw," the witness said he replied.

White Swore Vengeance.

"Oh, that Pittsburg," commented the architect, who, to make sure one actress had gone, went to her dressing room on the new stage. Not finding her there, White, according to Boman, walked rapidly out of the theatre with a revolver in his hand and muttering: "I'll find and kill that — before daylight."

The witness said he believed the threat to be directed against Harry Thaw and told him of it several days later, when they chanced to meet on Fifth Avenue.

He also told a detective-sergeant about the incident.

District Attorney Jerome cross-examined the witness for more than an hour, but Boman adhered closely to his story in every detail. Once or twice the witness became a trifle confused as to dates and as to his movements during the past five years, and said he had not been particularly employed during that period.

"Have you been paid any money by this

## REV. MR. TWAMLEY FOUND IN NORFOLK

Disappeared Mysteriously  
From His Church  
at Annapolis.

REGISTERED UNDER  
AN ASSUMED NAME

Was Living at Cheap Hotel and  
Told Police He Needed Change  
of Air—Friends Say That  
Clergyman Is Suffering  
From a Mental  
Disease.

ANNAPOLIS, MD., February 6.—A telegram was received here to-day from Norfolk, Va., announcing that Rev. W. T. Twamley, assistant rector of St. Anne's Protestant Episcopal Church, Annapolis, who had been missing since Sunday, was in that city. Nothing has been heard from Mr. Twamley personally, and speculation as to his intentions and the cause leading to his disappearance from Annapolis on Sunday morning are rife.

Rev. W. T. Twamley, missing assistant rector of St. Anne's Protestant Episcopal Church, Annapolis, Md., arrived in Norfolk Monday. He registered at the Union Hotel, a rooming-house patronized by hucksters and countrymen who bring vegetables to market in the city. It is in Brewer Street, opposite the principal market, and is located over a lunch-room. Mr. Twamley brought no baggage with him. He was assigned a room, but had not moved in it, although he had been in and out of the place several times each day. Rev. J. W. Morris, rector of Christ Protestant Episcopal Church, said to-night that he knew of Mr. Twamley's presence in the city, but had not seen him. He thought the minister is suffering of some mental derangement. Mr. Morris has called at the Union Hotel to see Mr. Twamley, but the latter was not in.

Mr. Twamley arrived at the hotel at midnight Monday. He registered as W. Baldwin, Washington, D. C., and has used the same name each day in registering. To-day the police, upon receipt of a request from Annapolis, located him. His identity was disclosed by a letter addressed to him at Annapolis which was found in his room by the manager of the hotel. When accosted by detectives on the street, Mr. Twamley seemed in a state of lethargy. He took no interest in being asked, and he went without questioning wherever the police led him. In explanation of his presence here he told the police that he had left Annapolis because he thought a change of climate would benefit his health.

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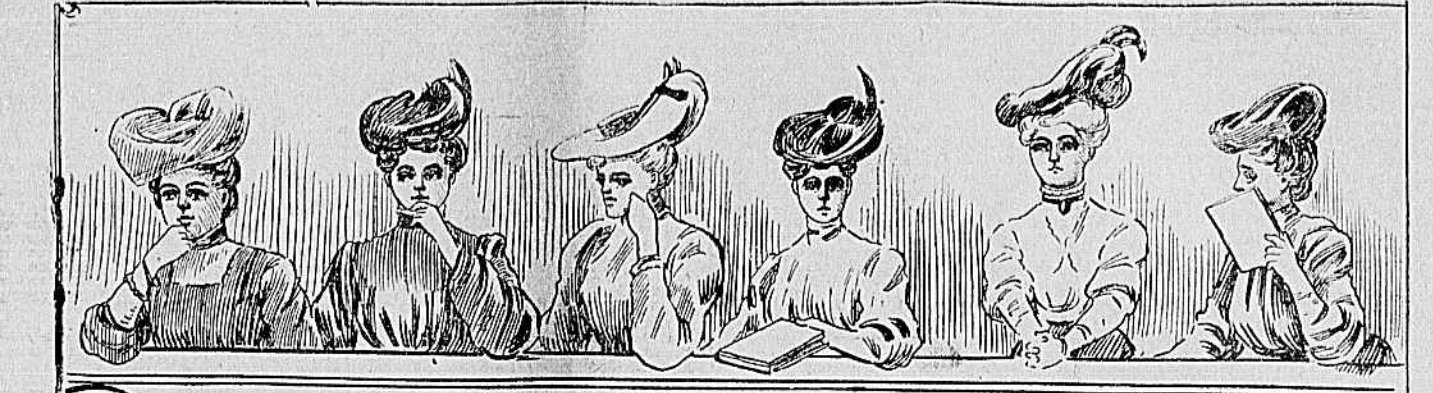
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## SCENES IN THE BOOK INVESTIGATION, WITH CHAIRMAN BYRD QUESTIONING MR. KENNEDY



## FOSTER CASE IS FULLY ARGUED

Learned Counsel Exhaustively  
Discuss Legal Questions In-  
volved Therein.

ARGUE WRIT OF PROHIBITION

Attorneys Henry W. Anderson,  
John L. Jeffries and Attorney  
General Speak.

Argument on the matter of the issue of a writ of prohibition directed to Judge D. Gardiner Tyler, of the Circuit Court of the city of Williamsburg and Dr. L. S. Foster, recently Superintendent of the Eastern State Hospital, was heard by the Supreme Court of Appeals of Virginia yesterday. All of the judges sat in the hearing except Judge R. H. Cardwell.

For three hours and a half the court sat patiently listening to learned legal arguments on the issues involved in this intricate and much-confused case, and upon conclusion the court rose for the day and retired to their consultation chamber. It is expected that a decision will be rendered to-day, but that the court will not prepare a written opinion, merely delivering its decision orally and ordering it to be entered.

The argument yesterday is apparently the last resource of Dr. L. S. Foster and his counsel to stay the action of the General Hospital Board in removing him from the Superintendency of the Eastern State Hospital, unless counsel can discover some Federal question upon which to base an appeal to the Supreme Court of the United States. Such further appeal is not regarded as probable.

Able Array of Counsel.

The speakers yesterday were Mr. Henry W. Anderson, of Munford, Hinton, Williams and Anderson, who appeared for the Central Hospital Board; Hon. J. L. Jeffries, of Norfolk, who appeared for Dr. L. S. Foster, along with his law partner, Mr. Joseph T. Lawless, and finally Attorney-General Anderson, who appeared for the Commonwealth, and closed the case.

The questions at issue were—first, the validity of the action of the General Hospital Board in removing Dr. Foster from office in the manner this was done; and second, the authority of Judge Tyler, of the Circuit Court of Williamsburg, to issue a writ of certiorari, designed to require a review of the case before the action of the board became final and decisive; the relation of the hospital board to the State government, the nature and extent of its powers under the Constitution, and the question of whether an appellate court to review the action of the board sitting in a judicial capacity, as in the case at bar. The arguments were exhaustive, and showed a close study of analogous cases and of authorities bearing on the issues involved. All of them were carefully prepared and delivered with clearness and force.

Besides filing an answer to the rule requiring them to show cause why a writ of prohibition should not issue, Jeffries and Lawless had on Tuesday filed a demurrer to the petition for the writ. The argument was upon both the answer and the demurrer, and in the range covered the details of the now celebrated case.

Not Subject to Review.

Mr. Anderson, who is one of the ablest of the younger members of the Virginia bar, opened the case in a carefully prepared and ably delivered argument in which he cited numerous authorities in favor of his contention that the General Hospital Board is a co-ordinate branch of the government, the acts and orders of which are not subject to judicial review.

Taking up the answer of the respondents, Mr. Anderson addressed himself to their contention that the case is one in which the Commonwealth has no interest, and it must be brought in the name of the Eastern State Hospital, a public corporation, and not in the name of the State, combating this position vigorously. He quoted numerous legal authorities and determined cases, parallel or cognate with this and all tending to sustain

(Continued on Eighth Page.)

INCREASE REWARD  
FOR MEN'S CAPTURE

Gordonsville Citizens Now Offer  
\$1,000 for Capture of Chloro-  
former in Ninety Days.

GORDONSVILLE, VA., February 6.—The reward for the arrest and conviction of the person or persons who entered the houses in and around Gordonsville, Va., on the 30th of January, 1907, has been increased to \$1,000, as follows: \$200 by the Governor of Virginia; \$300 by the town of Gordonsville; \$100 by the county of Orange; \$300 by subscription citizens of Gordonsville; \$200 by subscription citizens of Orange, good for 90 days.

The report is persistent in Richmond, but cannot be verified in Gordonsville, that criminal assault was committed on the night that intruders tried to chloroform several families.

## SON DEAD; FATHER DIES FROM COLD

Pitiable Case of Grief Being In-  
direct Cause of Parent's  
Death.

WANDERS FROM THE HOUSE

While Under Treatment From  
Nervous Collapse, Mr. Nott  
Strays From Home.

(Special to The Times-Dispatch.)  
WINCHESTER, VA., February 6.—While his son, Blaud Nott, a popular young man, lay a corpse and preparations for his funeral were nearing completion, his father, William T. Nott, a prominent Winchester merchant, who had been under treatment for nervousness bordering on collapse from grief because of his son's death, wandered from home shortly after midnight and was found almost frozen to death about 7 o'clock this morning. Death ensued before medical assistance could be summoned. The thermometer was but 8 degrees above zero.

Mr. Nott, whose wife died about a year ago in Strasburg Hospital, had been left alone temporarily in rear of his confectionery establishment, and when his man servant returned the merchant was missing. He had climbed over a high fence and wandered off, thinly clad. He was only partly dressed when found by Davis Johnson, near the latter's home. His son, Blaud Nott, died yesterday, aged twenty-five years. The elder Nott was about fifty-five years old.

A double funeral is to be held to-morrow. One brother, Henry Nott, of Winchester, survives, their only sister, Miss Nora Nott, dying a year ago, and their mother, Mrs. Caspar Nott, died less than two years since.

BISHOPS AGAINST  
MILITARY PAGEANT

Do Not Like Army and Navy  
Program of Expo-  
sition.

BOSTON, MASS., February 6.—In view of the fact that the triennial meeting of the General Convention of the Protestant Episcopal Church is to be held this year at Jamestown, Va., a number of Episcopal bishops have joined the American Peace Society, with headquarters in Boston, formulating a protest against the alleged intention of the management of the Jamestown Exposition to make that exposition "the greatest military spectacle the world has ever seen."

The signers of the protest are Bishops Brooks, of Oklahoma; Caper, of South Carolina; Choate, of North Carolina; Gleason, of Western Michigan; Hornor, of Asheville, N. C.; of Rhode Island; Niles, of New Hampshire; Olmsted, of Colorado; Williams, of Michigan; Woodcock, of Kentucky, and Williams, of Nebraska.

PASTEUR PATIENTS.

All Are Reported as Getting on  
Very Nicely.

Dr. William J. Channing, of Fredericksburg, brought to the Virginia Hospital Monday afternoon, A. L. Williams, for Pasteur treatment. Mr. Williams is an employe on the farm of Alexander Pratt, in King George county, below Monticello, and was bitten by a supposed mad dog on Monday afternoon.

There are also several patients at the Virginia taking Pasteur treatment who came from Norfolk, and these have reported to be getting on nicely, several having already returned home. It is said that the city of Norfolk will pay for their treatment.

## TEN MEN HANG IN VESSEL'S RIGGING

Horrible Plight of Sailors on Un-  
known Ship on Diamond  
Shoals.

LIFE-SAVERS ARE POWERLESS

All Attempts to Reach Vessel Are  
Futile—See Crew Plainly  
Imploving Aid.

(Special to The Times-Dispatch.)  
NORFOLK, VA., February 6.—No tidings have been received to-night from the unknown three-masted schooner stranded on the southwest end of the Inner Diamond Shoals, but hope of saving the crew of the vessel has been practically abandoned. It is said they have not already been lost. Sea and wind are still raging with undiminished vigor, bidding all further efforts on the part of the life-savers at Cape Hatteras and Creed Hill stations to stop the vessels. Latest reports from Hatteras say that when last seen from shore great waves, such as arise nowhere save on Diamond Shoals, were breaking over the vessel. The crew, to the number of about ten men, were observed through glasses clinging to the lower rigging, making frantic, but vain, signals for assistance. The brave life-savers made several attempts to reach the vessel, but were baffled each time. However, they were constantly on the beach with their surf-boats ready to take advantage of the least opportunity for another effort to reach the vessel.

Must Go to Pieces.

The schooner is about four miles from shore. It is impossible for any vessel to hold together long under conditions that surround it. The hull gradually settled in the sand from the time the vessel was first sighted by the life-savers this morning. A heavy snow last night is supposed to have been the cause of the undoing of the vessel. The life-savers got within a half-mile of the vessel in their first effort to reach it this forenoon. The crew could then be plainly discerned in the rigging, but nothing could be learned as to the names of the vessel, its probable cargo or its destination. Scores of other vessels and hundreds of seamen have met destruction in the vicinity of the spot where the schooner stranded. There is no chance for a wrecking steamer or any other kind of a vessel to reach the stranded schooner.

COAL BARGE SINKS  
WITH ALL ON BOARD

Hawyers Part and Three Barges  
Are Cast Adrift in  
Storm.

NEW YORK, February 6.—Early Tuesday morning, during a heavy storm, three coal-laden barges, which were being towed from Norfolk to Boston by the tug Waltham, broke adrift from the tug off Barnegat, N. J. One of these barges was the Gibson, of Fall River, Mass., whose captain and crew were rescued and brought to port to-day by the steamer "Chamette" from Galveston. According to Captain Reed, of the Gibson, another of the barges, the Hala, foundered and all hands aboard were lost.

The fate of the third barge is unknown.

The Gibson was a schooner barge of 734 tons net, and was owned by the Staples Coal Company, of Fall River, Mass.

## 20,000 ACCIDENTS IN THREE MONTHS

Horrible Story of Train Wrecks  
Shown by Commerce Com-  
mission Report.

267 PERSONS WERE KILLED

3,672 Collisions and Derailments.  
Equipment Damage Reached  
Nearly Three-Million.

WASHINGTON, February 6.—An accident bulletin issued to-day by the Interstate Commerce Commission, for the three months ended September 30, 1906, shows the total number of casualties to passengers and employes, while on duty, to have been 15,826, as against 16,937 reported in the preceding three months. The number of passengers and employes killed in train accidents was 267, as against 394 reported in the preceding three months. Fifty-two passengers were killed. The total number of collisions and derailments in the quarter was 3,672 (1,831 collisions and 1,841 derailments), of which 269 collisions and 261 derailments affected passenger trains. The damage to cars, engines and rolling stock by these accidents amounted to \$2,982,766.

The number of employes killed in collisions and uncoupling of cars and engines was 81, being an increase of 12 over those reported killed in the last quarter.

Looked Like Trouble.

There was absolute silence in the chamber as these words fell from the lips of the librarian, but in a second Mr. Berkeley, who sat near by, was upon his feet, shouting:

"Mr. Chairman," his face livid with anger.

"One moment," responded Mr. Bryd from the chair.

"Mr. Chairman," again cried Mr. Berkeley:

He got no further. The chair saw a controversy brewing, and prevented it by permitting Mr. Kennedy to continue his reading and by suppressing Mr. Berkeley's next words.

Mr. Kennedy reiterated his statement that his wife had offered to put up the money for him to write a history of Virginia, and followed this up with a sweeping affidavit from Irving Putnam, secretary of G. P. Putnam's Sons, in which bitterly denounced as a "lie" that his firm had ever made any such offer to the witness.

Didn't Feel Bound.

Chairman Byrd read the instructions given Mr. Kennedy by the librarian, Eggleston as to the purchase of books in New York, and witness replied that they had not been strictly followed for the reason that he had had absolute authority in the matter and did not feel bound by them.

The committee will complete the taking of testimony to-day, or to-morrow, and will formulate its report shortly, to be made to the Legislature at its next session. Meanwhile, it will be given to the press for publication.

KENNEDY RECALLED.

Occupies Stand All Day at Two Long Sessions.

The committee convened at 10:20 A. M. and Mr. Kennedy was recalled. He was asked by Chairman Byrd if he had opened the bids recently received for citizens' libraries, and he said they had been taken from the envelopes, but not totaled.

"Did you submit your request for bids to any book jobber?" he was asked.

"Well, you might call all those who submitted bids on the contract jobbers to some extent," he replied.

"Do you know of the firm of Baker, Taylor & Co.?"

## KENNEDY FIRES SHARPLY UPON HIS ACCUSERS

He Refers to Some as  
"Cheap Men With  
Cheap Ideas."

EVIDENT FEELING  
IS ENGENDERED

Librarian Occupies Stand All Day  
and Submits Volumes of Docu-  
mentary Evidence—Affi-  
davit From Putnam.  
Other Interesting  
Developments.

It cannot be safely conjectured when the school-book inquiry will end, for, although there have been heated sessions of the committee for the past two days, others still warmer are expected before the evidence is all in.

Librarian J. P. Kennedy was the sole witness at both sessions yesterday, and will probably be asked some further questions to-day, notwithstanding the fact that he submitted yesterday an exhaustive answer, designed to cover every accusation that has been made against him. Mr. Kennedy was cross-examined by Chairman Byrd and other members of the committee at some length during the morning session, and then he took the stand on his own account, and occupied it in all for about four hours, firing sharply now and then at those who had appeared against him, and devoting much of his time to reading into the record voluminous documents submitted with the view of defending himself from all the accusations made against him by other witnesses.

The array of typewritten papers and letters submitted by the librarian was an enormous one, but he was heard with the utmost patience and interest, the committee having assured him that he should have all the time he desired.

His Valedictory.

"Gentlemen of the committee," said the witness, when it was nearly 6 o'clock "I believe that this is all I have to say. I am now ready to submit the case to you."

The attendance of visitors had diminished to some extent yesterday, but still there were enough present to show a decided interest in the case.

There were several sharp passages between the witness and the chairman, and at one time the former and Mr. Berkeley talked rather plainly to one another.

There was a decided show of feeling in the afternoon between Mr. Kennedy and Mr. Berkeley, who is in charge of the Travelling Library Department, and before an incident arising out of it was over, Messrs. Byrd and Meredith had exchanged compliments.

There were times when Mr. Kennedy hurled biting thrusts of invective at some of those who had testified against him, and in closing his formal address to the committee he employed strong language in referring to Messrs. Bell & Schofield, book-dealers, and Messrs. Evans and Berkeley library attaches.

"The whole trend of the evidence of Mr. Bell, Mr. Schofield, Mr. Evans and Mr. Berkeley," he said in measured terms, "is a very clear and deliberate attempt to cheapen books and cheap men, for the purpose of placing the State in a wrong light before the book world and to give the people the cheapest class of books."

There was absolute silence in the chamber as these words fell from the lips of the librarian, but in a second Mr. Berkeley, who sat near by, was upon his feet, shouting:

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